



ATTACHMENT 3

City of Monroe Planning Commission Findings of Fact and Conclusions of Law

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2016-05 (associated with SEPA2016-13)
Project Summary:	Proposed amendments to update the Commute Trip Reduction regulations in Chapter 18.88 of the Monroe Municipal Code
Applicant:	City of Monroe
Location:	The code amendments do not apply to a specific property or properties but rather to all major employers within the entire city limits of Monroe. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.
Public Hearing Date:	Monday, November 28, 2016 at 7:00 PM Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Shana Restall, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4608 srestall@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

In 1991, the Washington legislature passed the Commute Trip Reduction Act ("CTR Act") and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555). The CTR Act requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use. The CTR Act was amended in 2006 by the Commute Trip Reduction Efficiency Act.

The Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW). Once a local jurisdiction has identified a “major employer,” defined as “a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months”, the jurisdiction also automatically becomes an affected employer and must comply with the law.

The City of Monroe is subject to these requirements. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR).” To implement MMC Chapter 18.88, the City has historically entered into an agreement with Community Transit to perform requirements and services of the Act on behalf the City of Monroe. Under that arrangement, Community Transit received the City’s share of the State Commute Trip Reduction (CTR) implementation funds.

On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019. It includes new statewide program goals and targets and new options for local goals and targets. Local jurisdictions that have recently been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and target. The attached draft ordinance incorporates these amendments. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program.

C. REVIEW PROCESS

1. Overview

As the City of Monroe’s CTR provisions are included in MMC Title 18 “Planning and Zoning”, a Planning Commission public hearing and recommendation to the City Council is required. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

“Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”

As the proposed amendments are contained in Title 18 (zoning code), the Planning Commission is tasked with holding an open record public hearing and drafting a recommendation on the proposed amendments to send to the City Council for consideration.

A Planning Commission briefing on the proposed code amendments was held November 14, 2016. A public hearing in front of the Planning Commission is scheduled for 7:00 PM on November 28, 2016. City Council will review the Commission’s recommendation no earlier than December 13, 2016. The Council’s decision is the City’s final action on the proposed code amendments.

Upon adoption of the ordinance by the City Council, final reviews will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board. The 2017 – 2019 CTR plan contract cycle begins in July 2017.

2. Public Notification and Comments

- a. On October 25, 2016, the proposed zoning code amendments were transmitted to the State of Washington for State agency review in accordance with RCW 36.70A.106. Expedited review (14 days rather than 60 days) was requested.
- b. Notice of Public Hearing was provided in accordance with MMC 21.40.020, and published in the Monroe Monitor on November 1, 2016. No public comments were received as of the date of the public hearing with the Planning Commission.
- c. Based on the Planning Commission's direction during the November 14, 2016 briefing, qualifying CTR employers in Monroe were notified on November 21, 2016 regarding the November 28, 2016 Planning Commission public hearing.

3. State Environmental Policy Act (SEPA) Review

A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed zoning code amendments on November 1, 2016. The public comment deadline is November 16, 2016, with an appeal deadline of November 23, 2016.

4. Public Hearing

The public hearing on this matter is scheduled in front of the Planning Commission on November 28, 2016 at 7:00 PM in the City of Monroe Council Chambers. Public hearings shall be conducted according to MMC 21.50.060 and generally observe the following sequence of events:

- a. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- b. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- c. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. The chair/hearing examiner shall have discretion as to what constitutes germane testimony.
- d. Rebuttal, response, or clarifying statements by the staff and the applicant.
- e. The evidentiary portion of the public hearing shall be closed thereafter and the hearing body shall deliberate on the matter before it.

D. FINDINGS OF FACT

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a zoning code amendment. However, MMC 21.50.040 stipulates:

...the Planning Commission shall not recommend approval of a proposed comprehensive plan or development regulation amendment unless the following findings and conclusions are made:

- 1. The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.*
- 2. The proposal is beneficial to the public health, safety and welfare and is in the public interest.*

The following Findings of Fact have been made regarding the proposed code amendments:

1. In 1991, the Washington legislature passed the Commute Trip Reduction Act (“CTR Act”) and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555). The CTR Act requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use. The CTR Act was amended in 2006 by the Commute Trip Reduction Efficiency Act.
2. The Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW). Once a local jurisdiction has identified a “major employer,” defined as “a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months,” the jurisdiction also automatically becomes an affected employer and must comply with the law.
3. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR).”
4. The City has an inter-local agreement with Community transit to administer the requirements of the CTR Act on behalf of the City of Monroe.
5. On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019. It includes new statewide program goals and targets and new options for local goals and targets. Local jurisdictions have been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and targets.
6. The proposed code amendments incorporate these updated statewide goals and targets. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program.
7. As the City of Monroe’s CTR provisions are included in MMC Title 18 “Planning and Zoning”, a Planning Commission public hearing and recommendation to the City

Council is required. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

“Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”

8. On October 25, 2016, the proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review in accordance with RCW 36.70A.106.
9. Notice of Public Hearing was provided in accordance with MMC 21.40.020, and published in the Monroe Monitor on November 1, 2016. No public comments were received.
10. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed CTR code amendments on November 1, 2016. No comments were received and no appeals were filed.
11. A Planning Commission briefing on the proposed code amendments was held November 14, 2016. Based on the Planning Commission direction, CTR employers in Monroe were notified on November 21, 2016 regarding the November 28, 2016 Planning Commission public hearing.
12. Subsequent to adoption of the CTR amendments by the City of Monroe, final reviews will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board. The 2017 – 2019 CTR plan contract cycle begins in July 2017.
13. The proposed code amendments do not modify the intent of the existing regulations, and therefore, meet the requirements and intent of the MMC. Goal 6 of the City’s Comprehensive Plan instructs the City to “Provide and promote both utility and transportation infrastructures that coincide with need, growth, and long-term objectives.” With increased growth likely to continue in the Monroe area, exploring ways to reduce single-occupant vehicle trips to increase functionality of transportation networks is consistent with the goals and policies comprehensive plan.
14. As stated previously, the proposed amendments do not change the existing CTR requirements within the City. However, reducing the number of single-occupant vehicle trips will benefit the region by reducing traffic congestion, air pollution, and dependency on fossil fuels. The proposal is beneficial to the public health, safety and welfare and is in the public interest.

E. CONCLUSIONS OF LAW

Based on the above Findings of Fact, the following Conclusions of Law have been made:

1. Pursuant to RCW 70.94.527(1), the City of Monroe is subject to CTR requirements.
2. The City of Monroe currently has identified four major employers that must comply with the CTR Act, including Canyon Creek Cabinet Company, the City of Monroe, Monroe Correctional Complex, and Natural Factors.

3. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City's Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled "Commute Trip Reduction (CTR)."
4. The City has an inter-local agreement with Community transit to administer the requirements of the CTR Act on behalf of the City of Monroe.
5. On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019 that includes new statewide program goals and targets and new options for local goals and targets. The City of Monroe, as requested by Community Transit, is updating and amending CTR regulations to incorporate these new statewide goals and targets.
6. The proposed code amendments incorporate the updated statewide goals and targets. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program. They are neither substantive, nor do they alter current program requirements.
7. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

"Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20."

The proposed amendments are to Section 18.88 of the zoning code, and are, therefore, subject to review by the Planning Commission. A Planning Commission briefing on the proposed code amendments was held November 14, 2016. The Planning Commission held a public hearing on November 28, 2016 to consider the amendments and draft a recommendation to City Council.

8. The proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review on October 25, 2016, in accordance with RCW 36.70A.106.
9. Notice of Public Hearing was provided in accordance with MMC 21.40.020. Furthermore, based on the Planning Commission direction, on November 21, 2016 a courtesy notice was sent to all CTR employers in Monroe were notified regarding the November 28, 2016 Planning Commission public hearing.
10. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued on November 1, 2016 under 197-11-340(2) WAC. No appeals of the SEPA determination were filed.
11. Final review of the updated CTR regulations will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board after adoption of the CTR amendments by the Monroe City Council.
12. The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.
13. The proposal is beneficial to the public health, safety and welfare and is in the public interest.

G. RECOMMENDATION OF THE PLANNING COMMISSION

Based on the analysis and findings included herein, the Planning Commission recommends that the City Council move to **ADOPT** the Planning Commission Findings of Fact and Conclusions of Law and that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Chapter 18.88.

Dated this 28th Day of November, 2016.

Bill Kristiansen, Planning Commission Chair
City of Monroe